

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KINGVISION PAY-PER-VIEW CORPORATION

Plaintiff,

v.

SMALL ROLLER, INC.

d/b/a SMALL ROLLER

and Esrick O. Copeland and

Glenda J. Copeland

Defendants.

Civil Action No.: 02-4821

**JUDGMENT BY DEFAULT PURSUANT TO RULE 55
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

It appearing from the records in the above-entitled action that an entry of default for want of answer or other defense was made on as to Defendants, Small Roller, Inc. d/b/a Small Roller, Esrick O. Copeland and Glenda J. Copeland, for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure; and it appearing that Defendants were properly served on July 31, 2002;; and this action having come before the Court for a hearing pursuant to Rule 55(b)(2), F.R.Civ.P. to determine damages as to Count I of the Complaint; and the issues having been heard and a decision having been rendered, it is this _____ day of _____, 2003 by the United States District Court for the Eastern District of Pennsylvania,

ORDERED and ADJUDGED:

1. That judgment by default be and the same is hereby entered in favor of Plaintiff, Kingvision Pay-Per View, Corp., Ltd, against Defendants, Small Roller, Inc. d/b/a Small Roller, Esrick O. Copeland and Glenda J. Copeland, jointly and severally, as to Count I, in the amount of Ten Thousand Dollars (\$10,000.00) as statutory damages; in the

amount of one thousand two hundred seventy five dollars (\$1,275.00) for attorneys' fees; and the amount of one hundred ninety five dollars (\$195.00) for costs; for a total amount of \$11,470.00.

2. The Court will make no determination whether or not Plaintiff's claims against the Defendants are dischargeable under Bankruptcy Code §523(a).

United States District Court

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KINGVISION PAY-PER-VIEW CORPORATION)	
Plaintiff,)	
v.)	
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SMALL ROLLER, INC.)	
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d/b/a SMALL ROLLER)	
and Esrick O. Copeland and)	
Glenda J. Copeland)	
Defendants.)	

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

____Plaintiff, Kingvision Pay-Per-View, Corporation, Ltd , moves this Court for entry of a default judgment against Defendant, Small Roller, Inc. d/b/a Small Roller, Esrick O. Copeland and Glenda J. Copeland, pursuant to Fed.R.Civ.P. 55, and states:

1. This is an action for violation of 47 U.S.C. §605 and §553, arising out of the Defendants' willful and illegal interception and misappropriation of a closed circuit exhibition of the September 29, 2001 boxing match between Felix Trinidad and Bernard Hopkins from Las Vegas, Nevada including undercard or preliminary bouts (the fight will hereinafter be referred to as the "Event"), at closed-circuit locations, such as theaters, arenas, bars, clubs, lounges, restaurants and other similar type business establishments throughout Pennsylvania and other geographical locals.
2. The Defendants were duly served with the Complaint and failed to answer or otherwise respond as required by law. Accordingly, the Clerk of this Court entered default against the Defendant. As a result of the entry of this default, all allegations contained in the Complaint are deemed admitted. *Nishimatsu Construction Co., v.*

Houston National Bank, 515 F.2d 1200 (5th Cir. 1975).

3. Pursuant to 47 U.S.C. §605 and §553, Kingvision Pay-Per-View Corp., Ltd. is entitled to statutory damages against the Defendants as follows:
 - a. For each violation of the statute, damages in the amount of between One Thousand Dollars (\$1,000.00) and Ten Thousand Dollars (\$10,000.00), pursuant to §605(e)(3)(C)(i)(II);
 - b. For willful violation of the statute, damages in the amount of between Ten Thousand Dollars (\$10,000.00) and One Hundred Thousand Dollars (\$100,000.00), pursuant to §605(e)(3)(c)(ii);
 - c. For each violation of the statute, damages in the amount of between Two Hundred Fifty Dollars (\$250.00) and Ten Thousand Dollars (\$10,000.00), pursuant to §553(3)(A)(ii); and
 - d. For willful violation of the statute, damages up to Fifty Thousand Dollars (\$50,000.00), pursuant to §553(3)(B);
 - e. Full costs, including reasonable attorneys' fees, pursuant to §605(e)(3)(B)(iii).
4. Attached hereto as Exhibit "A" is the Declaration of Sharon N. Harvey, attorney for Kingvision Pay-Per-View Corp., Ltd., who attests to the facts contained in the Complaint and the Memorandum of Law in Support of Plaintiff's Motion for Default Judgment. Lastly, attached hereto as Exhibit "C," is the Affidavit of Sharon N. Harvey, attorney for Kingvision Pay-Per-View Corp., Ltd. attesting to the attorneys' fees and costs incurred on behalf of Kingvision Pay-Per-View Corp., Ltd. in this case.

5. Because the amount of damages in this case is discretionary, Kingvision Pay-Per-View Corp., Ltd. has filed an accompanying Memorandum of Law which describes the method for calculating the damages in this case.

WHEREFORE, Plaintiff, Kingvision Pay-Per-View Corp., Ltd. requests that the Court:

- a. Enter a judgment by default against Defendant, Small Roller, Inc. d/b/a Small Roller and Esrick O. Copeland and Glenda J. Copeland.
 - b. Award statutory damages against the Defendant for each violation in the amount of \$10,000.00 each, and additional damages in the amount of \$50,000.00 for each violation based on the Defendants' conduct;
 - c. Award attorneys' fees in the amount of \$1,275.00.00, and costs in the amount of \$195.00 against the Defendant; and
 - d. Grant to the Plaintiff such other relief as the Court deems just and proper.
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Civil Action No.: 02-4821

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d/b/a SMALL ROLLER)

and Esrick O. Copeland and)

Glenda J. Copeland)

Defendants.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this _29th day of July , 2003 to, defendants Small Roller, Inc. d/b/a Small Roller, Esrick O. Copeland and Glenda J. Copeland, at 2310 Cecil B. Moore Blvd. Philadelphia, PA 19121.

By: _____

Sharon N. Harvey, Esquire
Harper & Paul
140 West Maplewood Avenue
Philadelphia, PA 19144
(215) 844-4848